

**UNITED STATES DISTRICT COURT**  
**Northern District of California**

Gabor,

Plaintiff(s),

v.

United States Of America,

Defendant(s).

07-06091 PVT

**NOTICE RE: NONCOMPLIANCE  
WITH COURT ORDER**

The parties have failed to file an ADR Certification and either a Stipulation and [Proposed] Order Selecting an ADR Process or a Notice of Need for ADR Phone Conference as required by the Initial Case Management Scheduling Order. Counsel shall Meet and Confer forthwith in an attempt to agree on an ADR process for this matter. Thereafter, counsel, on behalf of themselves and each party, promptly shall file an **ADR Certification** and either 1) a **Stipulation and [Proposed] Order Selecting ADR Process**, or 2) a **Notice of Need for ADR Phone Conference** (Civil L.R. 16-8(b), ADR L. R. 3-5(b) Civil L.R. 16-8(c), ADR L. R. 3-5(c), (d)). (These forms are available at [www.adr.cand.uscourts.gov](http://www.adr.cand.uscourts.gov).)

Further, in accordance with ADR L.R. 3-5(e) counsel shall concurrently provide a copy of all documents filed pursuant to this notice directly to the ADR Unit either by fax (415-522-4112), hand delivery (ADR Program, USDC, Northern District of California,

1 450 Golden Gate Avenue, 16<sup>th</sup> Floor, San Francisco, California), or by PDF attachment  
2 to an e-mail directed to [adr@cand.uscourts.gov](mailto:adr@cand.uscourts.gov).

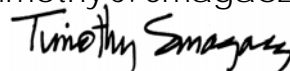
3  
4 It is the responsibility of counsel to schedule an ADR Phone Conference, if  
5 required, to occur before the Case Management Conference.

6  
7  
8 Dated: July 3, 2008

9 RICHARD W. WIEKING

Clerk

10 by: Timothy J. Smagacz

11 

12 ADR Administrative Assistant

415-522-4205

13 Tim\_Smagacz@cand.uscourts.gov

## PROOF OF SERVICE

Case Name: Gabor v. United States Of America

Case Number: 07-06091 PVT

I declare that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California. I am over the age of eighteen (18) years and not a party to the action. My business address is:

ADR Program  
United States District Court  
Northern District of California  
450 Golden Gate Avenue Floor 16  
San Francisco, CA 94102

On July 3, 2008, I served a true and correct copy of:

### **Notice Re: Noncompliance With Court Order**

[X] electronically, I caused said documents to be transmitted using ECF as specified by General Order No. 45 to the following parties:

John Gabor  
590 Smokey Court  
Campbell, CA 95008-3717

Kay Gabor  
590 Smokey Court  
Campbell, CA 95008-3717

Claire T. Cormier  
United States Attorney's Office  
150 Almaden Boulevard  
Suite 900  
San Jose, CA 95113  
claire.cormier@usdoj.gov

Michael Mucasey

,

Administrative Office of the United States District Court

,

James A Scharf

,

Marcy Berkman

,

Timothy James Schmal

,

Kay Keeching Yu  
State Attorney General's Office  
455 Golden Gate Avenue  
Suite 11000  
San Francisco, CA 94102-3664  
kay.yu@doj.ca.gov

Jackie Garcia

,

Burleigh E Sabin

,

Burton, Volkmann & Schmal LLP

,

D Miyashiro

,

[ ] by Facsimile, I caused said documents to be transmitted to the following parties by fax machine:

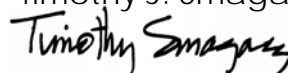
[ ] by U. S. Mail, I placed a true copy in a sealed envelope with postage fully prepaid in the United States Post Office Mail Box in San Francisco, California, addressed as follows:

I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed on July 3, 2008 in San Francisco, California.

RICHARD W. WIEKING

Clerk

by: Timothy J. Smagacz

Handwritten signature of Timothy J. Smagacz in black ink.

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ADR Administrative Assistant

415-522-4205

Tim\_Smagacz@cand.uscourts.gov